



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

RS

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/735,729	10/23/96	KLEIN	D 660082.419

SEED AND BERRY
6300 COLUMBIA CENTER
SEATTLE WA 98104-7092

LM21/0930

EXAMINER

KRIESS, K

ART UNIT PAPER NUMBER

2787

5

DATE MAILED: 09/30/98

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on 10-23-96

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-13 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-13 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of Reference Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 1

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

-- SEE OFFICE ACTION ON THE FOLLOWING PAGES --

Art Unit: 2787

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 1-2 are rejected under 35 U.S.C. 102(a) (b) and (e) as being anticipated by Bealkowski et al (5,327,531).

Bealkowski et al disclose the claimed:

“first non-volatile memory” (Bealkowski’s FLASH ROM 36, fig. 1);

“start-up routines” (Bealkowski’s information for initializing, col. 2, line 51);

“second non-volatile memory” (Bealkowski’s EPROM 40, fig. 1); and

“microprocessor” (Bealkowski’s microprocessor 12, fig. 1).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bealkowski et al.

Art Unit: 2787

Bealkowski et al teach the claimed computer system (as above) but fails to specifically disclose the first and second non-volatile being portions of a single memory as is claimed. However, because multiple portions of the same memory and multiple portions of separate memories were art-recognized equivalents at the time of the invention in those computer applications where it is immaterial whether there is more than one memory, one of ordinary skill in the art would have found it obvious to substitute a single memory with separate portion for the two memories of Bealkowski.

5. Claims 3-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art PC's with CMOS RAM in view of Bealkowski et al.

Applicant's admitted prior art PC's discussed on page 2 of the specification disclosed the claimed volatile memory coupled to a microprocessor operable to store system configuration parameters. However, the prior art fails to disclose the first and second non-volatile memories as are claimed. Bealkowski et al teaches the use of two non-volatile memories (ROM's 36 and 40) in the same field of endeavor for the purpose of recovering from a corrupted memory. See col. 1, lines 39-44. It would have been obvious to one of ordinary skill of the art at the time the invention was made to provide the prior art PC's with the dual ROM system of Bealkowski because it would provide the prior art with the ability to recover from a corrupted memory.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin A. Kriess whose telephone number is (703) 305-9668. The examiner can normally be reached on Monday-Thursday from 7:30 AM to 6:00 PM.

Serial Number: 08/735,729

Page 4

Art Unit: 2787

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh, can be reached on (703) 305-9648. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-5359.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

K.Kriess/kw


KEVIN A. KRIESS
PRIMARY EXAMINER